UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/075,134	11/19/2001	Richard Detweiler	EXTS113	6960

7590	11/15/2005	**EXAMINER**
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ART UNIT	PAPER NUMBER
2135	

DATE MAILED: 11/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	10/075,134	DETWEILER ET AL.
	Examiner	Art Unit	
	Tom Gyorfi	2135	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>*25 October 2005*</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-7,10-12,15,17-23,26-28,31,47 and 48* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-7,10-12,15,17-23,26-28,31,47 and 48* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

1.   Claims 1-7, 10-12, 15, 17-23, 26-28, 31, and 47-48 remain for examination.

2.   In view of the amendment filed on 10/25/05, PROSECUTION IS HEREBY

REOPENED. New grounds for rejection are set forth below.

Response to Arguments

3.   Applicant's arguments with respect to claims 1, 5, 10, 17, 21, and all dependent

claims therefrom have been considered but are moot in view of the new ground(s) of

rejection.

Claim Rejections - 35 USC § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

5.   Claims 1-7, 10-12, 15, 17-23, 26-28, 31, and 47-48 are rejected under 35 U.S.C.

103(a) as being unpatentable over Brown et al. (U.S. Pre-grant Publication

2002/0174180) and further in view of Pivowar et al. (U.S. Patent 6,308,201).

Referring to Claims 1 and 17:

        Brown discloses a coordinated push synchronization method, comprising the

acts of:

detecting changes to a local application data store (paragraph 0056-0057);

identifying a record affected by a detected change (paragraph 0057);

pushing the identified record to a remote application data store (paragraph 0057).

ascertaining whether the [pushed] record, in its current form as affected by the

detected change, has already been replicated or deleted in the remote application data

store in order to determine whether the remote application data store will be updated

with the pushed record; if not, updating the remote application data store with the

pushed record (paragraphs 0071 and 0080-0083); and

identifying the [pushed] record in the remote application data store as a pushed

record (paragraph 0066) and identifying the [pushed] record in the remote application

data store as having been pushed from the local application data store to the remote

application data store, otherwise ignoring the [pushed] record (paragraph 0071).

The system disclosed Brown uses an identifier to determine whether the record

to be updated on the remote application data store before pushing the identified record

to the remote application data store (paragraphs 0091-0094). However, Pivowar

discloses wherein the record is pushed to the remote application data store prior to

determining whether the record should be updated (col. 11, lines 15-35; Figure 15). It

would have been obvious to one of ordinary skill in the art at the time the invention was

made to include the synchronization method of Pivowar into that disclosed by Brown.

The motivation for doing so would be to improve the ability to share common data that

has utility to multiple users (col. 2, lines 15-25).

Referring to Claims 5 and 21:

Brown discloses a coordinated user-initiated synchronization method, comprising the acts of:

detecting changes to a local application data store (paragraph 0040); and

identifying a record affected by a detected change (paragraph 0041-0043);

Brown appears to be silent regarding ascertaining whether the identified record, in its current form as affected by the detected change, was pushed to the local application data store; and if not, synchronizing the remote application data store with the local application data store. However, Pivowar teaches these limitations (col. 9, line 55- col. 10, line 35). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the synchronization method of Pivowar into that disclosed by Brown. The motivation for doing so would be to improve the ability to share common data that has utility to multiple users (col. 2, lines 15-25).

Referring to Claims 10 and 26:

Brown discloses a coordinated push and user-initiated synchronization method, comprising:

detecting changes to a local application data store (paragraph 0040);

identifying a first record in the local application data store affected by a detected change (paragraph 0041-0043);

pushing the first record to a remote application data store (paragraph 0040);

ascertaining whether the identified [pushed] record, in its current form as affected

by the detected change, has already been replicated in or deleted the remote

application data store and, if not, updating the remote application data store with the

[pushed] record (paragraph 0040);

detecting changes to the remote application data store (paragraph 0057);

identifying a second record in the remote application data store affected by a

detected change (paragraph 0057);

ascertaining whether the second record, in its current form as affected by the

detected change, has already been pushed into the remote application data store in

order to determine whether the remote application data store will be updated with the

[pushed] record and, if not, synchronizing the remote application data store with the

local application data store, otherwise ignoring the [pushed] record (paragraphs 0071-

0083).

The system disclosed Brown uses an identifier to determine whether the record

to be updated on the remote application data store before pushing the identified record

to the remote application data store (paragraphs 0091-0094). However, Pivowar

discloses wherein the record is pushed to the remote application data store prior to

determining whether the record should be updated (col. 11, lines 15-35; Figure 15). It

would have been obvious to one of ordinary skill in the art at the time the invention was

made to include the synchronization method of Pivowar into that disclosed by Brown.

The motivation for doing so would be to improve the ability to share common data that

has utility to multiple users (col. 2, lines 15-25).

Referring to Claims 2 and 18:

Brown and Pivowar disclose the limitations of Claims 1 and 17 above. Brown

further discloses wherein the act of ascertaining includes comparing a local change

counter associated with the pushed record in the local application data store with a

remote change counter associated with a corresponding record in the remote

application data store (paragraph 0079).

Referring to Claims 3, 7, 19 and 23:

Brown and Pivowar disclose the limitation of Claims 1, 5, 17 and 21 above.

Brown further discloses, wherein the act of pushing the identified record comprises:

if the identified record has been detected as being new, pushing a replica of the

identified record with instructions to save the replica in the remote application data store

(paragraph 0080);

if the identified record has been detected as being modified, pushing a replica of

the identified record with instruction to save the replica in the remote application data

store replacing a prior version of the record (paragraph 0082); and

if the identified record has been detected as being deleted, pushing instructions

to delete a prior version of the identified contained in the remote application data store

(paragraph 0081).

Referring to Claims 4 and 20:

Brown and Pivowar disclose the limitation of Claims 1 and 17 above. Brown further discloses, wherein the act of identifying the pushed record in the remote application data store as a pushed record comprises associating an indicator with the pushed record identifying the pushed record in the remote application data store as a pushed record (paragraph 0066).

Referring to Claims 6 and 22:

Brown and Pivowar disclose the limitation of Claims 5 and 21 above. Brown further discloses, wherein the act of ascertaining includes examining an indicator associated with a pushed record identifying the pushed record in the remote application data store as a pushed record (paragraph 0066).

Referring to Claims 11 and 27:

Brown and Pivowar disclose the limitation of Claims 10 and 26 above. Brown further discloses, wherein the act of ascertaining whether the pushed record has been replicated in or deleted from a the remote application data store includes comparing a local change counter associated with the pushed record in the local application data store with a remote change counter associated with a corresponding record in the remote application data store (paragraph 0079-83).

Referring to Claims 12 and 28:

Brown and Pivowar disclose the limitation of Claims 10 and 26 above. Brown

further discloses, wherein the act of ascertaining whether the pushed record has been

replicated in or deleted from the remote application data store includes examining an

indicator associated with the pushed record identifying the pushed record in the remote

application data store as a pushed record (paragraph 0066).

Referring to Claims 15 and 31:

Brown and Pivowar disclose the limitation of Claims 10 and 26 above. Brown

further discloses, after updating the remote application data store with the pushed

record, identifying the pushed record in the remote application data store, as having

been pushed from the local application data store to the remote application data store

(paragraphs 0066 and 0071).

Referring to Claim 47:

Brown and Pivowar disclose the limitation of Claim 4 above. Brown further

discloses, wherein the act of associating comprises setting a coordination flag for the

pushed record (paragraph 0066).

Referring to Claim 48:

Brown and Pivowar disclose the limitation of Claim 6 above. Brown further

discloses, wherein the Indicator comprises a coordination flag, a set coordination flag

indicating that a record is a pushed record and a reset coordination flag indicating that

the record is not a pushed record (paragraph 0066).

Conclusion

6.   The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure.

- U.S. Patent 6,412,017 to Straube et al.

- U.S. Patent 6,345,308 to Masaki Abe;

- U.S. Patent 6,202,085 to Benson et al.

- U.S. Patent 5,978,805 to Dwayne Carson;

- U.S. Patent 5,884,325 to Bauer et al.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Tom Gyorfi whose telephone number is (571) 272-3849.

The examiner can normally be reached on 8:30am - 5:00pm Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Kim Vu can be reached on (571) 272-3859. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

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you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

TAG
11/8/05

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SUPERVISORY PATENT EX...
TECHNOLOGY CENTER 2...